

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 658

FINANCIAL ASSISTANCE TO
AGED, BLIND, AND DISABLED INDIVIDUALS

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Historical Note: This chapter is based substantially upon Subchapter 1 of Chapter 17-638 [Eff 7/19/82; am 5/23/83; am 12/24/84; am 6/7/85; am 6/12/90; R 3/19/93], §17-742-1 [Eff 7/19/82; am 12/17/82; am

10/14/83; am 2/22/88; am 1/1/89; am 10/1/89; am 6/12/90; R 3/19/93], §17-742-2 [Eff 7/19/82; am 12/17/82; am 10/14/83; am 12/21/84; am 1/21/85; am 3/15/85; am 9/7/85; am 6/23/86; am 6/18/87; am 10/23/87; am 2/22/88; am 1/1/89; am 3/28/89; am 6/6/89; am 1/1/90; am 6/12/90; am 5/13/91; R 3/19/93]

§17-658-1 Purpose. The purpose of this chapter is to establish the eligibility requirements for the State's financial assistance only programs for aged, blind, and disabled individuals. [Eff 3/19/93; am and comp 8/1/94] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-52; 42 CFR §§435.120, 435.230, 435.300, 435.301)

§17-658-2 Definitions. For the purposes of this chapter:

"Essential person" means a person who does not qualify for financial assistance under State AABD or AFDC in the person's own right and who meets all the requirements under section 17-658-6.

"Full-time employment" means employment of thirty-two (32) hours per week or one hundred and thirty-eight (138) hours per month.

"RSDI" means Retirement, Survivors, and Disability Insurance benefits which are administered by the Social Security Administration under Title II of the Social Security Act.

"SSI" means Supplemental Security Income, a financial assistance program for aged, blind, and disabled individuals administered by the Social Security Administration under Title XVI of the Social Security Act.

"State AABD" means the state-funded financial assistance program administered by the department of human services for aged, blind, and disabled individuals. [Eff 3/19/93; am and comp 8/1/94; am 5/31/02] (Auth: HRS §§346-14; 346-53) (Imp: HRS §§346-4; 346-52; 346-53; 42 C.F.R. §435.4)

§17-658-3 Categorical eligibility requirements and verification of those requirements for individuals

applying for or receiving financial assistance as aged individuals. (a) The categorical eligibility requirement for an aged individual is that the individual be at least 65 years of age within the initial month of eligibility.

(b) Verification of age shall be required.

(1) Birth verification, including but not limited to legal documents and church records, may serve as verification.

(2) Eligibility for or receipt of SSI or RSDI benefits on the basis of being aged may serve as verification of being an aged individual.

(c) Unless there are reasons to doubt an individual's age, after initially being verified, recertification of an individual's aged status is not required. [Eff 3/19/93; am and comp 8/1/94] (Auth: HRS §346-14) (Imp: HRS §§346-29; 346-30; 346-52; 346-53; 42 C.F.R. §435.520)

§17-658-4 Categorical eligibility requirements and verification of those requirements for individuals applying for or receiving financial assistance as blind individuals.

(a) The categorical eligibility requirement for a blind individual is central visual acuity of 20/200 or worse in the better eye with correcting lens, or that the widest field of vision subtends an angle no greater than twenty degrees (tunnel vision).

(b) Verification of blindness shall be required.

(1) Eligibility for or receipt of SSI payments on the basis of blindness shall be verification of blindness.

(2) Certification of blindness by the department's blind services division, Ho'opono, shall be verification of blindness, in the absence of eligibility for or payments of SSI benefits on the basis of blindness.

(c) Recertification of blindness is not required if the department's blind services division, Ho'opono,

certifies the blind individual's condition to be permanent with little chance of improvement, and therefore specifies that reevaluation is not necessary or warranted.

(d) Recertification of blindness is required if individual's condition is not permanent, there is a possibility of improvement, or reevaluation is recommended by the department's blind services division, Ho'opono.

- (1) Reevaluation shall be scheduled as recommended by Ho'opono.
- (2) If no reevaluation date is indicated, recertification will be scheduled on an annual basis. [Eff 3/19/93; am and comp 8/1/94] (Auth: HRS §346-14) (Imp: HRS §§346-29; 346-30; 346-52; 346-53; 346-62; 42 C.F.R. §§435.530; 435.531)

§17-658-5 Categorical eligibility requirements and verification of those requirements for individuals applying for or receiving financial assistance as disabled individuals. (a) The categorical eligibility requirement for a disabled individual is that the individual be unable to engage in substantial gainful activity because of a medically determinable physical or mental impairment which may be expected to result in death or which has lasted or may be expected to last for a continuous period of not less than twelve months.

- (b) Verification of disability shall be required.
 - (1) Eligibility for or receipt of SSI or RSDI benefits on the basis of being disabled shall be verification of being a disabled individual.
 - (2) Certification of disability by the department's aid to the disabled review committee (ADRC) is required in the absence of eligibility for or receipt of SSI or RSDI disability benefits.

(c) Recertification of disability shall not be required if the department's ADRC certifies the individual's condition to be permanent with little chance of significant improvement, and therefore specifies that reevaluation is not necessary or warranted.

(d) Recertification of disability is required if the individual's condition is not permanent, there is a possibility of improvement, or reevaluation is recommended by the department's ADRC.

(1) Reevaluation shall be scheduled as recommended by the ADRC.

(2) If no reevaluation date is indicated, recertification will be scheduled on an annual basis.

(e) The ADRC certification of disability shall be invalid if the individual's application for Social Security benefits (SSI or RSDI) is denied as the result of the individual not meeting Social Security's definition of disabled, provided Social Security and ADRC were evaluating the same medical condition. A Social Security denial based on non-medical criteria or a different medical condition, shall not invalidate an ADRC determination. [Eff 3/19/93; am and comp 8/01/94; am 7/16/99] (Auth: HRS §346-14) (Imp: HRS §§346-29; 346-30; 346-52; 346-53; 42 C.F.R. §§435.540; 435.541)

§17-658-6 Essential persons. (a) An individual who is designated by a state AABD applicant or recipient as being essential to the applicant's or recipient's well-being may be considered eligible to be included in the assistance unit as an essential person. The name of the designated essential person shall be included on the application of the state AABD individual with the understanding that financial need shall be determined on the basis of a family unit rather than a single individual.

(b) The essential person must meet the following requirements:

(1) The person must be living with the individual eligible for state AABD by whom the person was designated as essential;

(2) The person must be an adult living with the eligible adult in a relationship in which

- both adults consider and represent one another as married persons to relatives, friends, neighbors, or trades people; and
- (3) The essential person may not be the legally married spouse. [Eff 3/19/93; am and comp 8/1/94; am 9/26/97; am 5/31/02] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-658-6.1 Requirements of the essential person or legal spouse. (a) The designated essential person or legal spouse of the individual eligible for state AABD, who is under age sixty and not employed full-time, shall be required to register for and actively seek employment through the state department of labor and industrial relations (DLIR) on a monthly basis and shall accept any bonafide offer of employment.

(b) A bonafide job offer shall be considered to have been made when a prospective employer makes a verbal or written offer to the individual for a specific position that:

- (1) Shall be available within one month from the date of the offer;
- (2) The individual is capable of performing;
- (3) Shall not be hazardous to the individual's health, safety, or well being;
- (4) Will require no more than two hours of travel daily to and from work and home; and
- (5) Shall provide the individual with at least one hundred and thirty-eight hours of work per month.

(c) An essential person or legal spouse of the individual eligible for state AABD, who is an adult under age sixty and is not employed full-time, shall be exempt from seeking employment if the essential person or legal spouse is:

- (1) Required to remain at home to care for the AABD person in the absence of any other party to care for the AABD person on the basis of medical verification; or
- (2) Unable to engage in any full-time employment for a period of more than thirty days from the onset of an illness, incapacity or disability as determined by a licensed

physician or psychologist. [Eff 5/31/02]
(Auth: HRS §346-14) (Imp: HRS §346-14)

§17-658-7 State financial assistance for aged, blind, and disabled individuals. (a) State AABD benefits shall be provided to:

- (1) A person who is a beneficiary of SSI or RSDI as an aged, blind, or disabled person and who has insufficient income and assets, including the person's SSI and RSDI benefits, for the person's support based upon the department's applicable standard of assistance, under the financial assistance program. Further verification of age, blindness, or disability shall not be required for these SSI or RSDI beneficiaries.
- (2) Persons who are aged, blind, or disabled, who have been determined by the Supplemental Security Income office to be ineligible for SSI because of excessive income or assets although categorically eligible for SSI, and who have insufficient income and assets for the person's support based upon the department's applicable standards of assistance for state AABD.
 - (A) Verification of age shall not be required for individuals found to be categorically eligible for SSI because of age.
 - (B) Verification of blindness or disability shall be required of individuals found categorically eligible for SSI because of blindness or disability. The verification shall be required to enable the department to establish whether the blindness or disability is correctable, temporary, or permanent.
- (3) An individual who is essential to the eligible aged, blind, or disabled individual and who meets the requirements and definition of an essential person as specified in this chapter.
 - (b) An individual who meets the definition and requirements of being aged, blind, or disabled, as

specified in this chapter, shall be considered to be an applicant for state AABD and shall be required to apply for SSI, if the individual is not a current applicant or recipient of SSI.

- (1) If the individual refuses to apply for SSI, the individual shall be ineligible for state AABD.
- (2) If the individual is found ineligible for SSI because of the individual's failure to cooperate with the SSI office to establish the individual's eligibility, the individual shall be ineligible for state AABD.
- (3) If the individual applies for SSI, the individual shall be entitled to receive a state loan pending the SSI office's determination of eligibility. All the conditions required for a state loan, as documented in chapter 17-680, shall be met before a loan is granted.

(c) An individual shall be required to obtain or receive medical treatment for a correctable medical condition. Refusal to comply with this requirement shall cause the individual to be ineligible for state AABD payments, unless:

- (1) The individual's mental illness or mental deficiency precludes the individual's understanding of the department's requirements; or
- (2) Treatment is contrary to the individual's religious beliefs. [Eff 03/19/93; am 3/14/94; comp 8/01/94; am 11/25/94; am 11/22/96] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-29, 346-30, 346-52, 346-53)

§17-658-8 Three month readjustment period for state AABD recipients. (a) The amount of state AABD payment to which an individual is entitled shall be continued for three months following the month the blindness or disability is no longer an eligibility condition, provided that the recipient's income and assets are below the amounts allowed by the department.

(b) The disregarded income of the recipient shall not be considered in determining the need of any other individual applying for or receiving financial

assistance under any financial assistance category.
[Eff 03/19/93; comp 8/01/94] (Auth: HRS §346-14) (Imp:
HRS §§346-14; 346-53)

§17-658-9 Repealed. [R 8/01/94]